



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**Statement to the Senate Judicial Proceedings Committee
Re: House Bill 1215 - Civil Actions - Child Sexual Abuse - Statute of Limitations**

The Maryland Catholic Conference represents the mutual public policy interests of the three dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in opposition to House Bill 1215.

At the outset, we wish to acknowledge the tremendously painful and emotional nature of the issue of child sexual abuse, the courage of those who advocate for this legislation, and our sorrow for all those who have suffered this travesty through contact with anyone involved with the Catholic Church. Regardless of the measures now in place to prevent child sexual abuse from ever taking place again, and the very low incidence of current abuse in our institutions, we recognize these measures cannot erase or excuse the terrible harms incurred in the past.

Disparate treatment of public and private institutions

There are, however, significant and legitimate reasons why passing this legislation is unwarranted and unjust. Most importantly, HB 1215 imposes a very unfair disparity in its application to public and private institutions – the bill in fact applies *only* to private institutions. Private, religious and non-profit organizations would face dramatically greater risks of potentially devastating civil claims; as opposed to the very limited risks of such claims faced by state and local governments and public schools. This disparity and unequal treatment is profound. Victims of child sexual abuse at the hands of government employees face enormous hurdles in civil claims because of various restrictive limitations, notice requirements, and monetary caps that exist in multiple Maryland statutes such as the Maryland Tort Claims Act. But, those restrictions, notice requirements and monetary damages caps do not apply when such a victim sues a private, religious or non-profit organization. (*See Attachment A which lists relevant sections of current law.*)

The reason for these notice requirements is no secret: “The purpose of requiring that notice be given to the State within 1 year after incurring the injury to which the claim relates is [] to give the State early notice of claims against it. That early notice, in turn, affords the State the opportunity to investigate the claims while the facts are fresh and memories vivid, and, where appropriate, settle them at the earliest possible time.” Haupt v. State, 340 Md. 462, 470 (1995). In turn, a formal claim must be brought within three years.

Statutes of limitations allow for fairness in the judicial process

The rationale for the provisions in state law such as the Maryland Tort Claims Act lead to a second compelling reason for our opposition to HB 1215, namely that the lengthy extension of the statute of limitation proposed in the bill undermines fairness in the judicial process. Statutes of limitations exist in order to provide a defendant a fair opportunity to gather evidence, bring

forward witnesses, and access accounts based on recent memory. The longer the statute of limitation, the more these interests are strained. This is particularly the case in the context of civil claims, where the burden of proof is less demanding than the "beyond a reasonable doubt" standard applicable in criminal cases. Such claims would certainly be subject to overwhelming problems regarding faded memories, missing evidence, and missing or deceased witnesses. In civil lawsuits brought decades after an alleged event occurs, a defendant who has lost the evidence that would have supported its defense may stand little chance.

Governor Jerry Brown of California summarized the foundations for these laws well when he vetoed a bill to suspend the statute of limitations for civil claims regarding child sexual abuse in his state:

Statutes of limitation reach back to Roman law and were specifically enshrined in English common law by the Limitations Act of 1623. Ever since, and in every state...various limitations have been imposed on the time when lawsuits may still be initiated. Even though valid and profoundly important claims are at stake, all jurisdictions have seen fit to bar actions after a lapse of years.

The reason for such a universal practice is one of fairness. There comes a time when an individual or an organization should be secure in the reasonable expectation that past acts are indeed in the past and not subject to further lawsuits. With the passage of time, evidence may be lost or disposed of, memories fade and witnesses move or die.

Perhaps most importantly, unlike some states, Maryland has never had a statute of limitations on criminal charges of child sexual abuse. Abusers here can be prosecuted until the day they die. So, while some states have extended the period for filing civil claims as a way to compensate for existing limitations on the period for bringing criminal charges, such action is not necessary in Maryland

Prompt Reporting Protects Children

Effective investigation and prevention of abuse depends in large part on prompt reporting. Maryland's mandatory reporting laws, which afford no latitude for discretion or delay, reflect this concern: all health practitioners, police officers, educators, and human service workers must report suspected abuse to state authorities within 48 hours. HB 1215 does nothing to encourage prompt reporting, allowing for the possibility that an abuser is still undetected and potentially able to abuse other victims. The sooner a victim can be encouraged to come forward, the sooner the abuser can be confronted and prevented from harming others.

The Catholic Church remains committed to responding promptly to all credible allegations of sexual abuse – regardless of when they may have occurred – 1) by reporting them immediately to appropriate authorities, 2) by responding to the reporter with outreach and assistance toward healing, and 3) by widely publicizing notification of the allegation to affected

communities. We believe this step is essential not only to protect others from potential harm, but also to assist any other victims who may have been harmed by the identified perpetrator to seek help from available counselors and law enforcement. *(See Attachment B for an example of the press release the Archdiocese of Baltimore disseminated upon learning recently of an allegation of a prior act of sexual abuse by a priest who was formerly serving in the Archdiocese.)*

Catholic Church Child Protection Policies in Maryland

In addition to these reporting procedures, the Catholic Church, like many other institutions serving children, observes stringent child protection measures in all Catholic parishes, diocesan schools and youth programs. Our institutions provide comprehensive awareness training to educate both adults and children on how to recognize predatory behaviors, and conduct mandatory criminal background checks on all employees and on certain volunteers who work with children. We stand ready to support any legislative measure that might come before you to promote these efforts. *(See Attachment C for a summary of the Church's child protection measures, and Attachment D for a copy of testimony submitted this year in support of HB 72, which would require public and nonpublic schools to include child safety awareness programs in their curriculum.)*

For all of the above reasons, we urge an unfavorable report on House Bill 1215.



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**Statement to the Senate Judicial Proceedings Committee
Re: Senate Bill 69 - Civil Actions - Child Sexual Abuse - Statute of Limitations**

The Maryland Catholic Conference represents the mutual public policy interests of the three dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in opposition to Senate Bill 69.

At the outset, we wish to acknowledge the tremendously painful and emotional nature of the issue of child sexual abuse, the courage of those who advocate for this legislation, and our sorrow for all those who have suffered this travesty through contact with anyone involved with the Catholic Church. Regardless of the measures now in place to prevent child sexual abuse from ever taking place again, and the very low incidence of current abuse in our institutions, we recognize these measures cannot erase or excuse the terrible harms incurred in the past.

Disparate treatment of public and private institutions

There are, however, significant and legitimate reasons why passing this legislation is unwarranted and unjust. Most importantly, SB 69 imposes a very unfair disparity in its application to public and private institutions – the bill in fact applies *only* to private institutions. Private, religious and non-profit organizations would face dramatically greater risks of potentially devastating civil claims; as opposed to the very limited risks of such claims faced by state and local governments and public schools. This disparity and unequal treatment is profound. Victims of child sexual abuse at the hands of government employees face enormous hurdles in civil claims because of various restrictive limitations, notice requirements, and monetary caps that exist in multiple Maryland statutes such as the Maryland Tort Claims Act. But, those restrictions, notice requirements and monetary damages caps do not apply when such a victim sues a private, religious or non-profit organization. (*See Attachment A which lists relevant sections of current law.*)

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Statutes of limitations allow for fairness in the judicial process

The rationale for the provisions in state law such as the Maryland Tort Claims Act lead to a second compelling reason for our opposition to SB 69, namely that the lengthy extension of the statute of limitation proposed in the bill undermines fairness in the judicial process. Statutes of limitations exist in order to provide a defendant a fair opportunity to gather evidence, bring

forward witnesses, and access accounts based on recent memory. The longer the statute of limitation, the more these interests are strained. This is particularly the case in the context of civil claims, where the burden of proof is less demanding than the "beyond a reasonable doubt" standard applicable in criminal cases. Such claims would certainly be subject to overwhelming problems regarding faded memories, missing evidence, and missing or deceased witnesses. In civil lawsuits brought decades after an alleged event occurs, a defendant who has lost the evidence that would have supported its defense may stand little chance.

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The reason for such a universal practice is one of fairness. There comes a time when an individual or an organization should be secure in the reasonable expectation that past acts are indeed in the past and not subject to further lawsuits. With the passage of time, evidence may be lost or disposed of, memories fade and witnesses move or die.

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The Catholic Church remains committed to responding promptly to all credible allegations of sexual abuse – regardless of when they may have occurred – 1) by reporting them immediately to appropriate authorities, 2) by responding to the reporter with outreach and assistance toward healing, and 3) by widely publicizing notification of the allegation to affected

communities. We believe this step is essential not only to protect others from potential harm, but also to assist any other victims who may have been harmed by the identified perpetrator to seek help from available counselors and law enforcement. *(See Attachment B for an example of the press release the Archdiocese of Baltimore disseminated upon learning recently of an allegation of a prior act of sexual abuse by a priest who was formerly serving in the Archdiocese.)*

Catholic Church Child Protection Policies in Maryland

In addition to these reporting procedures, the Catholic Church, like many other institutions serving children, observes stringent child protection measures in all Catholic parishes, diocesan schools and youth programs. Our institutions provide comprehensive awareness training to educate both adults and children on how to recognize predatory behaviors, and conduct mandatory criminal background checks on all employees and on certain volunteers who work with children. We stand ready to support any legislative measure that might come before you to promote these efforts. *(See Attachment C for a summary of the Church's child protection measures, and Attachment D for a copy of testimony submitted this year in support of HB 72, which would require public and nonpublic schools to include child safety awareness programs in their curriculum.)*

For all of the above reasons, we urge an unfavorable report on Senate Bill 69.

ATTACHMENT A (Maryland Catholic Conference Testimony on SB 69)

Senate Bill 69/House Bill 1315

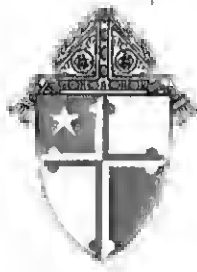
Senate Bill 69/House Bill 1315 would extend the statute of limitations on civil lawsuits brought by victims of child sexual abuse from seven years past the age of majority (age 25) to 20 years past the age of majority (age 38).

- The legislation only impact private institutions, because other existing laws include numerous protections for claims against state and local government agencies and programs, including public schools, the Department of Social Services (DSS), county-run recreation programs, Juvenile Justice facilities, etc. The protections for public entities against civil lawsuits are not changed by the bills.
- Thus, even if the bill passed, civil lawsuits brought against government entities for child sexual abuse still would be subject to much shorter deadlines and/or strict limits on the amount of damages that may be recovered under the Local Government Tort Claims Act, the State Government Tort Claims Act, and immunity for public school boards and their employees under the Education Article and Courts and Judicial Proceedings Article.
- For example:
 - a child abused at a state-run juvenile facility or in the care of DSS still would have to submit a written claim within one year of the event, must file suit within three years of the event, and their damages are limited to \$200,000 if the abuse occurred before October 1, 2015 or \$400,000 if it occurred after that date under the Maryland Tort Claims Act;
 - a child abused at a county recreational center must give notice within one year of the event, must file suit within three years of the event, and their damages are limited to \$200,000 if the abuse occurred before October 1, 2015 or \$400,000 if it occurred after that date under the Local Government Tort Claims Act; and
 - the liability of public school boards for tort claims, including child abuse claims against public school teachers, is capped at \$100,000 under Maryland's Education Article and Courts and Judicial Proceedings Article.

Continued on next page

ATTACHMENT A *(Maryland Catholic Conference Testimony on SB 69)*

- Numerous major amendments to existing law would need to be enacted in order for public institutions to be treated the same as private institutions under these bills, including amendments to the Courts and Judicial Proceedings Article §§ 5-303, 5-304, 5-518, and 5-522; the State Government Article §§ 12-104, 12-105, and 12-106; and the Education Article §§ 4-105(d), 4-106.
- The bill does nothing for victims harmed while in the care of public institutions. If the ability to sue institutions for unlimited monetary damages decades after the event of alleged abuse actually was important to the protection of children, why would the proposed measures not provide such protection to the more than 800,000 children in Maryland public schools and the many thousands of children who interact with Maryland police, county recreation centers, the justice system, or DSS?



ARCHDIOCESE
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For Immediate Release

Friday, February 12, 2016

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**ARCHDIOCESE RECEIVES ALLEGATION OF ABUSE AGAINST
RELIGIOUS ORDER PRIEST, JORGE ANTONIO VELEZ-LOPEZ, WHO
LAST SERVED IN THE ARCHDIOCESE IN 2010**

The Archdiocese of Baltimore has learned of an allegation of sexual abuse of a minor against Father Jorge Antonio Velez-Lopez, TC, 60, a member of the religious order known as the Tertiary Capuchins, who last served in the Archdiocese of Baltimore in 2010. The alleged abuse began approximately in 2007 while Fr. Velez was assigned to St. John the Evangelist Parish in Columbia, Maryland. The alleged victim was a parishioner at Resurrection of Our Lord Parish in Laurel, Maryland.

The allegation was immediately reported to civil authorities in Howard County, to the superior of Father Velez's religious order, and to the Diocese of Alexandria, Louisiana, where Father Velez has most recently been serving.

After receiving permission from civil authorities, a representative of the Archdiocese traveled to the Diocese of Alexandria to meet with Father Velez to discuss the allegations. At the meeting on February 11th, Father Velez admitted to the allegations. The Archdiocese of Baltimore reminded Father Velez that he is not permitted to function as a priest or to minister in any capacity in the Archdiocese of Baltimore. His authority to act as a priest in the Archdiocese of Baltimore ended when he left service here in 2010. In accordance with Archdiocesan policy, counseling assistance has been offered to all those affected.



Fr. Velez began working in the Archdiocese of Baltimore in July 2002 and served at St. John from 2003 to 2010. During this time he also ministered to members of the Spanish-speaking community in several other parishes, including Resurrection of Our Lord in Laurel, Holy Trinity in Glen Burnie, St. John the Evangelist Church in Frederick, Sacred Heart Church in Glyndon, and St. Joseph Church in Cockeysville.

The Archdiocese of Baltimore is committed to protecting children and helping to heal victims of abuse. We urge anyone who has any knowledge of any child sexual abuse to come forward, and to report it immediately to civil authorities. If clergy or other church personnel are suspected of committing the abuse, we ask that you also call the Archdiocesan Office of Child and Youth Protection Hotline at 1-866-417-7469. If you have any other information relevant to this matter, please contact the Archdiocese Office of Child and Youth Protection at (410)547-5599.

Child Protection Policies Observed by the Catholic Church in Maryland

Child sexual abuse is sadly a tragedy that affects every sector of society. As the Church has come to grips with the need to acknowledge and root out the scourge of child sexual abuse within our own institution, we have worked diligently to put into place stringent policies upholding the goals of prevention, accountability, transparency, and healing. The harm done to abuse survivors is a shame the Church must never forget, and never cease to work to prevent from ever happening again.

In accordance with the policies of the Charter for the Protection of Children promulgated by the U.S. Conference of Catholic Bishops in 2002, the three (arch)dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington, have long been committed to enacting and enforcing local child protection policies that go far beyond the practices required by law of all child-serving institutions in Maryland. The following summary highlights many of these practices.

Prevention

All three (arch)dioceses have comprehensive child protection policies in place, and observe stringent screening measures to ensure a safe environment for the children in our care:

- All employees and volunteers with substantial contact with children undergo mandated criminal background checks through either fingerprinting or electronic background checks. Since 2002, the Archdiocese of Baltimore alone has conducted more than 137,000 screenings. Similarly the Archdiocese of Washington has conducted

LEARN MORE

For more detailed information, consult the (arch)diocesan websites:

- **Archdiocese of Baltimore**
Office of Child and Youth Protection
www.archbalt.org

- **Archdiocese of Washington**
Child Protection Office
www.adw.org

- **Diocese of Wilmington**
Charter for the Protection of Children
www.cdow.org

111,258 screenings since 2003, and the Diocese of Wilmington has screened more than 21,000 individuals.

- All employees and volunteers with substantial contact with children are required to participate in training regarding the prevention, recognition, and reporting of suspected child abuse.

- All students participate in age-appropriate abuse prevention education. More than 42,000 children participate annually in the Archdiocese of Baltimore.

Accountability

The three (arch)dioceses are committed to maintaining vigilant oversight of our institutions, employees and volunteers, and employ both internal and external measures to uphold strict standards of accountability:

- Every incident of suspected child abuse is reported immediately to civil authorities, even if the survivor is currently over the age of 18 or the perpetrator is deceased.
- Anyone credibly accused of suspected child abuse is immediately and permanently removed from ministry or employment, regardless of whether civil authorities pursue a criminal prosecution.
- The (arch)dioceses undergo an independent audit of their child protection policies and practices annually to ensure compliance with the Charter for the Protection of Children. All three dioceses have been found to be in full compliance every year.
- The (arch)diocesan child protection policies and abuse allegations are also supervised by independent review boards whose members include many non-Catholics.
- The (arch)dioceses maintain a hotline or publicly provide the contact information of a victims assistance coordinator so that survivors or others can promptly report abuse and receive immediate pastoral care.

Transparency

While current Maryland law requires immediate reporting of any incident of suspected child abuse, the three (arch)dioceses have taken action that goes far beyond the requirements of the law to be open and honest about cases of abuse within our institutions:

- In addition to reporting suspected abuse to civil authorities, the three (arch)dioceses publicize the names of individuals credibly accused of child sexual abuse through parish or school communications and actively encourage other potential survivors to come forward.
- In 2002 the Archdioceses of Baltimore and

Washington led the nation by publicly disclosing the names of priests who had been credibly accused of abuse since the 1950s.

- The Diocese of Wilmington also posts a list of credibly accused abusers on its website.
- The three (arch)dioceses also provide a public report of the annual child protection audit conducted by an independent reviewer.

Healing/Reconciliation

In spite of the passage of time and the stringent procedures now in place to ensure the safety of children, we must never forget the pain of our actions and inactions or the damage that they caused. The pain caused to the survivors of sexual abuse can never be erased, but the Church remains committed to doing all we can to alleviate their suffering and that of their families.

- The three (arch)dioceses voluntarily offer free counseling with a therapist of their choosing to any survivor who comes forward for as long as it is needed, and often offers assistance to other family members as well.
- The bishops in each (arch)diocese also offer to meet with each survivor, and to extend a personal and sincere apology for the harm they have suffered.
- Regardless of the requirements of law, the (arch)dioceses have provided compensation to survivors through negotiated settlements.
- The Archdiocese of Baltimore has provided more than \$8.4 million in settlements since the 1980s through insurance-designated funds, and \$3.6 million in counseling and assistance to survivors and their families.
- The Archdiocese of Washington has provided \$2 million in settlements and assistance since 2003, and \$7.5 million since its founding.
- After the state of Delaware passed a law temporarily lifting the statute of limitations for filing civil suits involving child sexual abuse, the Diocese of Wilmington was forced to spend tens of millions of dollars in attorneys' fees and to eliminate millions of dollars in support the Diocese provided to community outreach and its schools.

**Statement to the House Ways and Means Committee
Re: House Bill 72 - Sexual Abuse and Assault Awareness and Prevention
Program - Development and Implementation**

February 4, 2016

SUPPORT

The Maryland Catholic Conference represents the mutual public policy interests of the three (arch)dioceses with territory in the state of Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We submit this testimony in SUPPORT of House Bill 72, which would require public and nonpublic schools, in consultation with the State Board of Education, to develop and implement a program of age-appropriate education on sexual abuse and assault awareness and prevention.

Like many other institutions serving children, all Catholic parishes, diocesan schools and youth programs observe stringent child protection measures. Our institutions provide comprehensive awareness training to educate both adults and children on how to recognize predatory behaviors, conduct mandatory criminal background checks on all employees and on certain volunteers who work with children, and promptly report all suspected incidents of child sexual abuse.

In the Archdiocese of Baltimore for example, all children participate in

While most child-serving institutions may observe similar procedures, HB 72 will help to ensure that all schools in Maryland have in place programs that help to fully raise awareness among students, in an age-appropriate manner, about how to protect themselves from situations that could lead to sexual abuse. Such training is an important first step that we hope would also lead to training for all school employees, parents, and our wider communities about how to prevent abuse, to recognize the signs of a child who may be the victim of abuse, and importantly, how to properly report incidents of suspected or actual abuse.

When fully implemented, HB 72 offers a promising opportunity to genuinely create safer environments for our children, and a better alternative than addressing the problem of child sexual abuse after it's too late to save a child from this terrible harm.